

Cook, Alex, McFarron, Manzo, Cummings & Mehler, Ltd.

200 West Adams Street, Suite 2850
Chicago, Illinois 60606-5234

TELEPHONE: (312) 236-8500

FACSIMILE: (312) 236-8176

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Examiner Hien Xuan Vo
Commissioner for Patents

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PHONE:**DATE:**

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FROM:

Andrew G. Kolomayets, Esq.

REFERENCE:

Our Ref.: 0329-0006 (Previously HOM 100)

MESSAGE:

Filing of Response After Final

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PTO/SB/21 (03-03)

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/869,487	
	Filing Date	June 28, 2001	
	First Named Inventor	Klaus Homann, et al.	
	Art Unit	2863	
	Examiner Name	Hien Xuan Vo	
Total Number of Pages in This Submission	•	Attorney Docket Number	0329-0006 (HOM 100)

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Attorney Docket No. 0329-0006 (HOM 100)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

Klaus Homann, et al.

Application No.: 09/869,487

Filed: June 28, 2001

Title: GEOREFERENCED MONITORING
SYSTEM

Group Art Unit: 2863

Examiner: Hien Xuan Vo

Docket No.: 0329-0006 (HOM 100)

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RESPONSE AFTER FINAL REJECTION

Sir/Madam:

This is in response to the Office Action of September 24, 2003, wherein all of the pending claims of the above-identified patent application were finally rejected.

At the outset, Applicants would like to express their appreciation to Examiner Vo for agreeing to the telephonic interview of February 2, 2004 with the undersigned, and for the courtesy with which the interview was conducted. As set forth

in the Interview Summary mailed on February 3, 2004, agreement was reached that upon submitting this summary of the Applicants' arguments, the final rejection would be withdrawn and an updated search will be conducted.

During the interview, the undersigned questioned the propriety of the rejections of claim 11 under 35 U.S.C. 102(b). In particular, it was noted that the rejection was, verbatim, identical to the rejection previously made of cancelled claim 1 (in fact, the Office Action even referred to "claim 1").

Moreover, the rejection made no mention of the elements of claim 11 that had been added by the amendment of May 20, 2003. In the May 20 response, claim 11 was amended to recite a mobile measuring device for monitoring leaks on gas lines, including an electronic navigation system to guide an operator along a track predefined by a computer unit which links position information to topographic information about the area to be monitored stored in the computer unit to generate the predefined track, and a documentation system to document results measured by a gas testing device mounted thereon. The Office Action of September 24, 2003 provided no explanation as to where, in the art of record, these features of amended claim 11 are found.

The passages of the primary Bloomfield reference relied upon the Office did not appear to disclose the features recited in the claim. For example, in the Office Action, it was stated

that "Bloomfield disclose a computer unit with a geographic information and documentation system." The Office Action cited column 2, lines 10-14 in support of this assertion. The cited passage of Bloomfield, however, reads as follows:

In order to accomplish the above described objects, the present invention comprises: a micro-computer for discriminating a generation of an abnormal state arising within a monitoring region of space and controlling a state in which a robot is to move;

Applicants respectfully submit that the cited passage does not disclose, or even suggest the device recited in amended claim 11. That the system in Bloomfield "could" include a documentation system cannot support a rejection based on 35 U.S.C. 102(b). For these reasons, Applicants questioned the propriety of this rejection.

During the interview, Applicants also questioned the Office position that the claims would have been obvious in view of the cited art, namely, the combination of the above-referenced Bloomfield patent with the patent to Henningsen. Given the above deficiencies of the Bloomfield reference, Applicants do not see the suggestion in the art for making the proposed combination. It was noted that the environments in which the Bloomfield and Henningsen devices are used are quite different, and one with knowledge of Bloomfield would not have been motivated to make the combination with Henningsen.

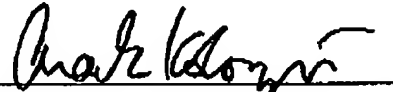
As mentioned in Applicant's previous response, Bloomfield is a "measure and react system." (See for example, the passage relied upon by the Patent Office at column 2, lines 18-24 "navigation means for emitting an object detection signal and simultaneously receiving the signal reflected from the object so that the object adjacent to the monitoring region of the space can be detected and the signal representing the object detection can be output to the microcomputer.") The device in Bloomfield does not follow a predefined track, and does not rely upon stored information regarding the typography of the area. The Bloomfield device is essentially, a device for indoor home use, and the need for the elements of claim 11 is not suggested by Bloomfield. For example, while Henningsen briefly alludes to use of a GPS system, the need for a GPS system in the Bloomfield device is unclear. In short, Applicants submit that one of skill in the art would have had little or no reason to look to Henningsen for the missing elements. For these reasons, Applicants suggested that the rejection under 35 U.S.C. 103 was also improper.

For all of the above reasons, withdrawal of the final rejection is requested, and reconsideration and allowance of the claims are respectfully solicited.

In view of the Examiner's agreement to reconsider the claims of the application, Applicants are unsure whether an

extension of time is required. If required, attached is a Petition for a 2 month extension of time with a request to charge our deposit account #50-1039 for any necessary fee.

Respectfully submitted,



Andrew G. Kolomayets
Registration No. 33,723

COOK, ALEX, MCFARRON, MANZO,
CUMMINGS & MEHLER, LTD.
200 West Adams Street - #2850
Chicago, IL 60606
(312) 236-8500